

**MINUTES
REGULAR BOARD MEETING
THURSDAY, APRIL 19, 2007, 9:00 A.M.**

Board Members Present at Roll Call: Les Abrams, Gabe Corral, Charlie Havranek, Cynthia Henry, Debbie Rudd, Sarah Vetault. A quorum was present. Board Members Present After Roll Call: Rod Bolden. Board Members Absent: Lee Ann Elliott, Myra Jefferson.

Also Present at Roll Call: Debb Pearson, Executive Director; Beth Campbell, Assistant Attorney General; Beckie Loar, Regulatory Compliance Administrator.

Les Abrams acted as Chairperson.

The Board pledged allegiance to the flag of the United States of America.

Charlie Havranek moved that the Minutes of the March 15, 2007, Regular Board Meeting be approved. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Plaques were presented to Tom Heineman and Gaye Rutan honoring their service to the State as former Board members. A short reception followed.

Rod Bolden joined the meeting.

PUBLIC ANNOUNCEMENTS AND CALL TO PUBLIC

Julie D. Friess, certified residential appraiser, filed a Call to Public and spoke to the Board concerning the enforcement of complaints. David Tracy, filed a Call to Public and spoke to the Board concerning the Board's March meeting.

COMPLAINT REVIEW

Review and Action Concerning 2277, Eugene C. Rowe.

Respondent appeared. Sarah Vetault moved that the Board accept the investigator's report. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board invite respondent to an informal hearing. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Informal Hearing Concerning 2224, Harrison Gordon/2225, Joshua Hernandez.

Respondent in 2224 and subpoenaed witness, Nicolo Amoroso appeared, were sworn in, made statements to the Board and answered the Board's questions. Respondent in 2225 did not appear. Debbie Rudd moved that the Board subpoena additional information. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the complainant be subpoenaed to appear at a continued informal hearing. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board continue the informal hearing. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1975, Burnell Q. Rowe.

Respondent appeared. Debbie Rudd moved that the Board terminate respondent's mentorship and probation. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2251, Brad G. Wardrop.

Respondent appeared. Sarah Vetault moved that the Board accept the investigator's report. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion. Sarah Vetault moved that the Board find no violations and dismiss the complaints. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2352/2353, V. Wesley Wylie.

Respondent appeared. Staff summary was read. Sarah Vetault moved that the matter be referred to an investigator. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Informal Hearing Concerning 2272, Timothy F. O'Connell, Jr.

Charlie Havranek recused himself. Respondent did not appear. Sarah Vetault moved that the Board accept the signed nondisciplinary letter of concern late. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2311/2312/2313/2314/2315, Shahab A. Mehkri.

Respondent appeared. Staff summary was read. Sarah Vetault moved that the matters be referred to an investigator. Charlie Havranek seconded the motion. The Board voted 6-1 in favor of the motion. Gabe Corral voted no.

Review and Action Concerning 2278, Safa P. Sitto.

Respondent appeared. Sarah Vetault moved that the Board accept the investigator's report. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board invite respondent to an informal hearing. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2351, Jon Rattray.

Respondent appeared. Staff summary was read. Sarah Vetault moved that the Board issue respondent a cease and desist letter. Rod Bolden seconded the motion. The Board voted 6-1 in favor of the motion. Gabe Corral voted no.

WORKSHOP ON OPEN MEETING LAW, EX PARTE COMMUNICATIONS AND CONFLICTS

The workshop was tabled.

COMPLAINT REVIEW

Review and Action Concerning 2340, Patrick C. Brooks.

Respondent appeared. Staff summary was read. Charlie Havranek moved that the Board find no violations and dismiss the complaint. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2338, Kandace L. Levi.

Respondent appeared. Staff summary was read. Sarah Vetault moved that the Board find no violations and dismiss the complaint. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2347, Tamara A. Tidwell.

Respondent appeared. Staff summary was read. Charlie Havranek moved that the Board find no violations and dismiss the complaint. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2177, Lucille DeMarco.

Respondent did not appear. Sarah Vetault moved that the matter be referred to formal hearing before the Office of Administrative Hearings (OAH). Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning Appellate Court Case 1CA-CV 05-0868 (98F-0544-BOA), Lawrence D. Bloom.

Respondent did not appear. Beth Campbell updated the Board with the status of respondent=s appeal.

Review and Action Concerning 2192, James P. Hondel.

Respondent did not appear. Sarah Vetault moved that the Board accept the investigator's report. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion. Sarah Vetault moved that the Board invite respondent to an informal hearing. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2316, Joseph M. Davis.

Charlie Havranek recused himself. Respondent appeared. Staff summary was read. Sarah Vetault moved that the Board find no violations and dismiss the complaint. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2226, Nicolo Amoroso.

Respondent did not appear. Sarah Vetault moved that the matter be tabled until after the resolution of 2224/2225. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2263, Everett L. Quinn.

Respondent did not appear. Charlie Havranek moved that the Board accept the investigator's report. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board invite respondent to an informal hearing. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2264/2265, Kurt D. Holm.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the Board accept the investigator's report. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board find Level III violations and offer respondent a Consent Agreement and Order of Discipline providing for education. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2269, Chad A. Richey.

Respondent did not appear. Debbie Rudd moved that the Board accept the investigator's report. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level III violations and offer respondent a Consent Agreement and Order of Discipline providing for probation and education. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2270/2271, Lisa D. Ammons.

Respondent did not appear. Charlie Havranek moved that the matters be referred to formal hearing before the Office of Administrative Hearings (OAH). Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2276, Karl A. Webster.

Respondent did not appear. Sarah Vetault moved that the Board accept the investigator's report. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level I violations and offer respondent a nondisciplinary letter of concern citing violations. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2302, Michael D. Schendel.

Respondent did not appear. Debbie Rudd moved that the matter be referred to an investigator. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2303, Vincent M. Brennan/2304, William R. Richardson.

Respondent in 2303 appeared. Respondent in 2304 did not appear. Sarah Vetault moved that the Board accept the investigator's report. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level III violations and offer respondent a Consent Agreement and Order of Discipline providing for probation and education. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 1920, William H. Norris, Jr.

Respondent did not appear. Charlie Havranek moved that the Board terminate respondent's mentorship and probation. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2060, David C. Dipeso.

Respondent did not appear. Charlie Havranek moved that the Board accept respondent's proposed education to comply with the disciplinary education required in respondent's 9/25/06 due diligence consent letter. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2086, Joseph E. Brimeyer.

Respondent did not appear. Sarah Vetault moved that the Board open complaint 2377 alleging noncompliance with the 7/31/06 due diligence consent letter. Gabe Corral seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2324, Todd J. Stewart.

Respondent did not appear. Charlie Havranek moved that the Board request additional information from respondent. The motion was withdrawn. Sarah Vetault moved that the Board refer the matter to formal hearing before the Office of Administrative Hearings (OAH). Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2319, Rodney L. Levi.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board find no violations and dismiss the complaint. Charlie Havranek seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2339, Collin H. Lord.

Respondent did not appear. Staff summary was read. Sarah Vetault moved that the matter be tabled to allow the Board to review additional information. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2341, Jeremiah J. O'Brien.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the Board find Level I violations and offer respondent a nondisciplinary letter of concern. The motion was withdrawn. Charlie Havranek moved that the Board find no violations and dismiss the complaint. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2342, William Gosiak.

Respondent did not appear. Staff summary was read. Sarah Vetault moved that the Board find no violations and dismiss the complaint. Rod Bolden seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2343, Brian E. Trigueros.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the Board find no violations and dismiss the complaint. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2344, Lucas P. Still.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the matter be referred to investigation. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2346, Joseph G. Bock.

Respondent did not appear. Staff summary was read. Sarah Vetault moved that the Board find no violations and dismiss the complaint. Rod Bolden seconded the motion. The Board voted 6-1 in favor of the motion. Debbie Rudd abstained from voting.

Review and Action Concerning 2348, Paul S. Wooller.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the matter be referred to investigation. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2349, Kathleen Gamble.

Respondent did not appear. Staff summary was read. Charlie Havranek moved that the Board issue respondent a cease and desist letter. Debbie Rudd seconded the motion. The Board voted 6-1 in favor of the motion. Sarah Vetault voted no.

Review and Action Concerning 2350, Melanie Martin.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board issue respondent a cease and desist letter. Cynthia Henry seconded the motion. The Board voted 6-1 in favor of the motion. Sarah Vetault voted no.

The Board noted there were no 12-month reviews.

BOARD CHAIRPERSON REPORT

None.

EXECUTIVE DIRECTOR REPORT

Debb Pearson reported on the status of the Assistant Attorney General=s assignments; advised no complaint answer dates had been extended by staff; reported the following complaint status for calendar years 2006 and 2007:

	<u>2006</u>	<u>2007</u>
Complaints filed	209	62
<u>Of those complaints:</u>		
Complaints dismissed	68	13
Complaints referred to investigation	73	2
Complaints resolved with nondisciplinary letter of concern	30	1
Complaints resolved with nondisciplinary letter of remedial action	9	0
Complaints resolved with disciplinary letter of due diligence	6	0

Complaints resolved with probation	17	2
Complaints referred to informal hearing	34	2
Complaints referred to formal hearing	5	0
Complaints resolved with suspension	6	1
Complaints resolved with surrender	1	0
Complaints resolved with revocation	0	0
Complaints resolved with cease and desist letters	23	0

Violation Levels:

I	34	1
II	10	0
III	11	1
IV	1	1
V	8	0

and updated the Board concerning the mortgage fraud task force formed by the Arizona Department of Financial Institutions, the status of SB1291, the status of the Board's Final Rulemaking Packages, the implementation of the fingerprint cards, and the Board's receipts and expenditures to date for fiscal years 2006 and 2007.

APPLICATION REVIEW COMMITTEE REPORT

Debbie Rudd reported the following Arizona appraiser and property tax agent information as of April 16, 2007:

	<u>4/05</u>		<u>4/06</u>		<u>4/07</u>
Licensed Residential	785		969		1137
Certified Residential	778		886		999
Certified General	718		768		789
Nonresident Temporary	69	Total 2351	91	Total 2714	36
Property Tax Agents	292		295		283
					Total 2961

Charlie Havranek moved that the Board accept the Committee's recommendations for substantively complete applications (see attached). Les Abrams seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board accept the Committee's recommendations for substantively incomplete applications (see attached). Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Charlie Havranek moved that the Board find licensed residential application 6460, Kevin J. Fitzpatrick, substantively complete. Debbie Rudd seconded the motion. The Board voted unanimously in favor of the motion. Les Abrams moved that the Board go into Executive Session for legal advice concerning its interpretation of its rules concerning approval of distance education for applicants. Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion. Upon return from Executive Session, no action was necessary.

APPRAISAL TESTING AND EDUCATION COMMITTEE REPORT

Charlie Havranek moved that the Board accept the Committee=s recommendations (see attachment). Sarah Vetault seconded the motion. The Board voted unanimously in favor of the motion.

OLD BUSINESS

None.

NEW BUSINESS

Discussion and Action Regarding Representations Made by the Instructor and Speakers Presenting the 4/12/07 Identify and Prevent Real Estate Fraud Course in Arizona.

The matter was table to afford the parties the opportunity to appear.

Discussion and Action Regarding eAppraisal SourceNet, an Appraisal Management Company, Concerning (1) Alleged Use of Electronic Signatures and (2) Alleged Advocacy of USPAP Violations.

The Board requested that staff provide the information to the Arizona Mortgage Fraud Task Force.

Discussion and Action Concerning the Implementation of Board Inspection of Appraiser Records.

The Board requested that staff respond to Senator O'Halloran's concerns.

Sarah Vetault left the meeting. A quorum remained.

Discussion and Action Concerning Proposed Revisions to ASC Policy Statement 10: Enforcement.

The Board requested that staff respond to the ASC.

CONFIRMATION OF MEETING DATES, TIMES, LOCATIONS AND PURPOSES

The upcoming Committee and Board meetings were scheduled as follows:

May

16	Application Review Committee	9:00 a.m.
17	Appraisal Testing and Education Committee	8:15 a.m.
17	Board	9:00 a.m.
24	Rules and Regulations	9:00 a.m.

ADJOURNMENT

The meeting was adjourned.

Lester G. Abrams, Chairperson